

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 1-6 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 6-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 7-9 and 14-17 under 35 U.S.C. § 102(e) as being anticipated by Strandberg (US 6,647,412). The Applicant respectfully traverses the Examiner's rejection and submits the following remarks for the Examiner's favorable reconsideration.

The Strandberg reference indeed discloses a "bandwidth broker" within a packet switched network. However, the use of the "bandwidth broker" disclosed in the Strandberg reference is substantially similar as specified in the already existing IETF standard. In other words, the Strandberg bandwidth broker is mainly responsible for maintaining the rules and management functionality to handle security, authentication and foundation of the policy requests (Strandberg, Col. 3, lines 18-25). It is also true that the Strandberg bandwidth broker may perform some traffic management functions, but such functions are performed on a "trial or error" basis. More specifically, Strandberg states that "[t]he bandwidth broker 12 may be responsible for proper allocation of traffic in the differentiated service network 10 and may rely on heuristics to decide if a policy request can be accepted or not. The heuristic rules may be commonly evolved through trial and error to obtain the knowledge regarding what kind of traffic can be accepted." (Strandberg, Col. 4, lines 10-18).

However, the Applicant respectfully submits that nothing in Strandberg discloses or teaches "at least one load measurement proxy, which probes the network to determine the congestion state of the network" as claimed in independent Claim 7. Furthermore, nothing in the cited reference discloses or teaches "a bandwidth broker server in communication with the at least one load measurement proxy and correlating

the determined congestion state information.” Lastly, the cited reference also fails to anticipate or render obvious the recited “bandwidth broker client in communication with the bandwidth broker server and an application, wherein the bandwidth broker client queries the bandwidth broker server based on requirements of the application.”

As a matter of facts, other than disclosing a bandwidth broker for regulating policies and rules, the recited elements are not mentioned anywhere in the cited reference. Accordingly, the Applicant respectfully submits that the initial “allowability” granted by the Examiner should be maintained and that the pending claims are further patentable over the newly cited reference.

3.) Claim Rejections – 35 U.S.C. § 103 (a)

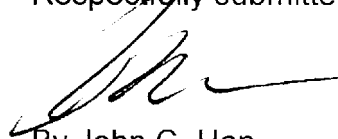
The Examiner rejected claims 10-13 and 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Strandberg in view of Westberg (Load Control of Real Time Traffic, April 2000). The Applicant submits that all these claims are dependent on now allowable independent claims and recite additional limitations thereto. A Notice of Allowance for these claims is likewise requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By John C. Han
Registration No. 41,403

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-7686
john.han@ericsson.com